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35M1/0827

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ART UNIT	PAPER NUMBER
2502	13

DATE MAILED:

08/27/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attached Office Action.

Office Action Summary

Application No.

08/373,953

Applicant(s)

John B. Davis et al.

Examiner

Rodney H. Bonck

Group Art Unit

3502



☒ Responsive to communication(s) filed on May 3, 1996 and June 6, 1996

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25, 27, and 29-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-21 and 32-34 is/are allowed.

☒ Claim(s) 22-25, 27, and 29-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9,11,12

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3502

DETAILED ACTION

The following action is in response to the amendments received May 3, 1996 and June 6, 1996, Paper Nos. 10 and 12.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statements filed November 29, 1995, May 3, 1996, and June 3, 1996. The cited documents have been considered, as indicated on the attached copies of Forms PTO-1449. In addition, the attached Form PTO-892 lists documents originally cited by applicant in the IDS of July 13, 1995. Those documents have now been considered.

Claim Rejections - 35 USC § 112

Claims 22-24 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 11 of claim 22, the antecedent of "the drive component" is unclear since first and second drive components have been defined. It is suggested that "the drive component" be changed to --the one of the first and second drive components--.

Art Unit: 3502

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Carhart('804). Carhart provides an input 3, 1 rotatable about an axis relative to output 7. First and second drive components 15,16 are carried by the input and output. Vanes 22 are located radially outward of the first and second drive components for drawing air radially outward intermediate the first and second drive components. The output is provided with a mount 14,2 having openings 27 radially inward of the first and second drive components with the vanes drawing air through the openings and intermediate the first and second drive components. The mount can be considered to be "for mounting a fan to the output", as called for in claim 25, in that air scoops 26 constitute a fan that is carried by the mount via elements 23,24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3502

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danly et al.('637) in view of Haupt('454). These claims distinguish over Danly et al. in that the mount of Danly et al. is not "for mounting a fan to the output", as is now claimed. Haupt provides fan 18 on the output to assist in drawing cooling air into the clutch. It would have been obvious to provide a fan on the mount of Danly et al., the motivation being to assist the vanes in drawing cooling air into the clutch.

Response to Amendment

Applicants' arguments regarding the rejection based on Danly et al. are moot in view of the new grounds of rejection.

Art Unit: 3502

Allowable Subject Matter

Claims 1-21 and 32-34 are allowed.

Claims 22-24 and 29-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Serial Number: 08/373,953

Page 6

Art Unit: 3502

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703) 308-2904.


RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 352

rhb

August 20, 1996